UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JOHN H. WALTON,

Plaintiff,

v.

Case No. 2:02-cv-117
HON. GORDON J. QUIST

BARBARA BOUCHARD, et al.,

Defendants.
_____/

**OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S**

**REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on July 28, 2003. The Report and Recommendation was duly served on the parties. The Court has received objections from the plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Plaintiff argues that his complaint should not be dismissed for failure to exhaust grievance remedies. Plaintiff exhausted his grievance remedies against only one of the named defendants. Plaintiff failed to exhaust his grievance remedies against each of the named defendants. The Magistrate Judge recommended dismissal under the total exhaustion rule. Plaintiff's objection urges the court not to adopt a total exhaustion rule. However, since the total exhaustion rule advances the goals of the Prisoner Litigation Reform Act, plaintiff's complaint is dismissed for

failure to exhaust his grievance remedies. Storey v. Hutchinson, 56 Fed. Appx. 228(6th Cir. 2003); Smeltzer v. Hook, 235 F.Supp. 2d 736 (W.D. Mich. 2002).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge is approved and adopted as the opinion of the court.

The court must next decide whether an appeal of this action would be in good faith within the meaning of 28 U.S.C. § 1915(a)(3). See McGore v. Wrigglesworth, 114 F.3d 601, 611 (6th Cir. 1997). For the same reasons that the court grants defendants' motion to dismiss, the court discerns no good-faith basis for an appeal. Should the plaintiff appeal this decision, the court will assess the $105 appellate filing fee pursuant to § 1915(b)(1), see McGore, 114 F.3d at 610-11, unless plaintiff is barred from proceeding in forma pauperis, e.g., by the "three-strikes" rule of § 1915(g). If he is barred, he will be required to pay the $105 appellate filing fee in one lump sum.

Dated: October 14, 2003

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE